IÑUPIAT COMMUNITY of the ARCTIC SLOPE
an IRA Regional Tribal Government

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2007 Revised Amended
Constitution of the
Inupiat Community of the Arctic Slope, IRA

PREAMBLE

We, the Inupiaq people, by our own sovereign rights being federally recognized as a Tribe, residing principally within the Arctic Slope region of the state of Alaska, including the villages of Anaktuvuk Pass, Atqasuk, Barrow, Kaktovik, Nuiqsut, Point Hope, Point Lay, and Wainwright, having a common bond of occupation and association through heritage, history, language and culture; in order to preserve our inherent sovereign rights and powers; to advance, protect and preserve our common interests as descendants of the aboriginal Inupiat people; to conserve and develop Tribal lands and resources in accordance with Tribal customary and traditional law and applicable Federal law; to establish justice; and to promote effective self-determination, including self-government and to continue forever with the help of God our Creator; do hereby adopt this Constitution pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended. This Constitution supersedes all previous Constitutions of the Inupiat Community of the Arctic Slope.

ARTICLE I
NAME

Section 1.01 Name. The name of this Tribe shall be the "Inupiat Community of the Arctic Slope, IRA" (hereafter "ICAS")

ARTICLE II
Territory & Jurisdiction

Section 2.01 Territory. The territory of ICAS shall extend, to the fullest extent possible under applicable law, over all ancestral and traditional lands, air, waters and seas and any interest therein historically used and occupied by the Inupiaq people of ICAS, located north of sixty-eight (68) degrees north latitude beginning from the Chukchi Sea easterly along sixty-eight (68) degrees latitude to one hundred forty six (146) degrees west longitude then north to sixty-eight (68) degrees thirty (30) minutes north latitude then easterly to the Canadian border then north to Demarcation Point, and such other lands, air, waters and seas as may hereafter be added thereto.

Section 2.02 Jurisdiction. The authority and jurisdiction of ICAS shall extend to all persons, resources, subjects, activities, and .property within the territory of ICAS not prohibited by federal law, including lands subject to restriction by the United States against alienation. ICAS shall also have jurisdiction over all its members, wherever located and the extra-territorial management of lands, waters, wildlife resources and related activities not prohibited by federal law. Notwithstanding the foregoing, nothing in this Constitution shall be interpreted to diminish or interfere with the government-to-government relationship between the United States and other federally recognized Alaska Native Tribes located within ICAS territory, nor to vest any power, authority, or jurisdiction in ICAS over any such Tribe or such Tribe's members, except by the written consent of that Tribe.

ARTICLE III
Membership

Section 3.01 Membership. Any person of Inupiaq Native descent, who is a shareholder in the Arctic Slope Regional Corporation, shall be automatically added to the current roll of ICAS, provided that the Regional Tribal Council may correct such roll. Any person whose name may be entitled to appear on this list, but for some reason does not, may make an application to the Tribe.

Section 3.02 Children of Members. All minor children, biological or Native children adopted under state or tribal law, of ICAS members shall be automatically eligible for membership in ICAS until they reach the age of maturity. Matured persons, eighteen (18) and over, must apply to continue membership, unless they were enrolled under Section 3.01.

Section 3.03 Adoption to the Tribe. Any person of Alaska Native or Native American descent not eligible for membership may be adopted into ICAS by the Regional Tribal Council with certain privileges consistent with traditional and customary ICAS law and applicable federal law. Native persons adopted into ICAS shall not have voting rights or be eligible to serve on the Regional Tribal Council.

Section 3.04 Honorary Members. Non-Native persons not eligible for membership may be designated as an honorary member of ICAS by the Regional Tribal Council with honorary privileges consistent with traditional and customary ICAS law and applicable federal law. Honorary members do not have voting rights, may not serve on the Regional Tribal Council, and do not become eligible for tribal benefits by reason and do not become eligible for tribal benefits by reason of their honorary membership. An honorary member may not abuse tribal privileges to the detriment of ICAS or individual members of ICAS.

Section 3.05 Dual Membership. No person shall qualify for membership in ICAS, who is a member of any other Tribe recognized by the United States, located outside the territory of ICAS, unless he or she has relinquished in writing his or her membership in such Tribe.

Section 3.06 Regulation of Membership. The Regional Tribal Council shall have the power to enact ordinances and resolutions establishing the rules and regulations governing membership, including maintenance of the current membership roll, enrollment and application procedures, adoption of new members, loss of membership, relinquishment of membership, denial of membership disenrollment, appeal procedures and all other membership matters consistent with the provisions of this Constitution.

Section 3.07 Other Enrollment. Nothing in this article shall have any effect on the enrollment of any person in a member Tribe of ICAS.

ARTICLE IV
Bill of Rights

Section 4.01 Civil Rights. ICAS, in exercising powers of self-government, shall not violate the Indian Civil Rights Act of 1968 as amended.

Section 4.02 Traditional and Customary Laws. The rights guaranteed under this Constitution shall be interpreted and applied according to the traditions, customs and the laws of ICAS.

ARTICLE V
Governing Body

Section 5.01 Name and Power. The governing body of ICAS represents the member Tribes of ICAS named below in Section 5.02 and shall be known as the Regional Tribal Council, also referred to as the "Council" in this Constitution. The Regional Tribal Council shall represent ICAS and shall exercise the powers of ICAS consistent with this Constitution and tribal laws.

Section 5.02 Number, Residence and Voting. The Council shall be composed of thirteen (13) ICAS members who are at least 18 years of age and who have resided within ICAS territory for at least one year immediately prior to the Regional Tribal Council election in which they are a candidate. Three (3) Council members must reside and be enrolled or eligible for membership in the village of Barrow, and one (1) each must reside and be enrolled or eligible for membership in the villages of Anaktuvuk Pass, Atqasuk, Kaktovik, Nuiqsut, Pt. Hope, Pt. Lay and Wainwright, and three (3) at-large members must reside within ICAS territory and be enrolled or eligible for membership in ICAS. All Council members shall be entitled to vote on governmental matters, except in cases of conflict of interest.

Section 5.03 Qualification. Any qualified, enrolled member of the Tribe who is at 18 years of age and who have resided within ICAS territory for at least one year immediately prior to the Regional Tribal Council election in which they are a candidate shall be eligible to seek and hold office, provided that, a member who has been convicted of a felony shall not be eligible until a period of five years has passed since restoration of civil rights.

Section 5.04 Terms and Election of Council Members. Regional Tribal Council members shall be elected for a term of three (3) years by secret ballot. There shall be staggered terms to provide for continuity of government affairs.

Section 5.05 Officers. The Regional Tribal Council shall elect from the Council a President, a Vice-President, a Secretary, a Treasurer, a Sergeant-at-Arms and such other officers as the Council may appoint at the first regular monthly meeting following the annual elections. The offices of the Secretary and Treasurer may be combined. The Council shall fill any vacancies among the Officers that may occur between elections. The duties of the Officers shall be prescribed by ICAS's Bylaws.

Section 5.06 Meetings. The Regional Tribal Council shall meet regularly at least once each month. Special or emergency meetings of the Regional Tribal Council can be called by the President or by any (4) members of the Regional Tribal Council. Those Regional Tribal Council members who cannot be physically present may participate by tele-conference or any other electronic means that enables all participants to hear and participate in the meeting simultaneously. All meetings shall be conducted with respect to Inupiat customs and traditions using Robert's Rules of Order as a guide.

Section 5.07 Quorum. Seven members of the Regional Tribal Council shall constitute a quorum to conduct business at all Regional Tribal Council meetings. A majority of those voting in favor of a proposition at a meeting where a quorum is present shall constitute the act of the Regional Tribal Council. The Council by ordinance may require the vote of a greater majority on particular matters.

Section 5.08 Vacancies on the Regional Tribal Council. Vacancies on the Regional Tribal Council shall be filled by appointment by the Regional Tribal Council and the appointee shall serve the remainder of the term of the vacated seat consistent with Article V; Section 5.02 of this Constitution.

Section 5.09 Forfeiture of Council Service. Any member of the Regional Tribal Council who submits a written resignation that is accepted by the Council, who is convicted of a felony while in office, who has three (3) consecutive unexcused absences from regular meetings or who

ceases to reside in the village from which they were elected or ceases to reside within ICAS territory shall forfeit his/her office. A missed special meeting shall not count as a missed regular meeting.

Section 5.10 Removal of Council Members. Any member of the Regional Tribal Council may be removed for just cause by the Regional Tribal Council, provided such member shall first be given written notice of the charges. Such member being removed shall not vote at such meeting and shall not be counted for a quorum. All questions of removal shall be resolved by the Regional Tribal Council by a majority of quorum and the decision of the Regional Tribal Council shall be final.

Section 5.11 Recall of Council Members. Any member of the Regional Tribal Council is subject to recall.

Section 5.12 Conflict of Interest. No Council member may vote on any matter, including matters of significant financial interest, pertaining specifically to his or herself, or to an immediate family member. Nothing herein bars a Council member from voting on a matter in which the benefit to him or her or members of their immediate family is common to that of ICAS members at large. Immediate family members are defined as father, mother, brother, sister, wife, husband, son, daughter, or anyone living in the Council member's household.

Section 5.13 Elections. The Regional Tribal Council shall establish rules and procedures for elections by enactment of an ordinance consistent with this Constitution. Such ordinance shall include but not be limited to the following provisions; creation of an election committee, secret balloting, absentee balloting, nominations of candidates, terms of office, notice, qualifications and a procedure for resolving election disputes.

ARTICLE VI
Powers

Section 6.01 General Powers. Except as specifically limited by this Constitution, the powers of ICAS shall be exercised by the Regional Tribal Council and shall include all the inherent powers of a federally recognized tribal government, including but not limited to those specified in this Article, which do not violate federal law, relevant International laws, ICAS Tribal laws or the customary and traditional laws of the Inupiat people.

Section 6.02 Enumerated Powers. The Regional Tribal Council shall exercise the following powers, subject to any limitations imposed by applicable federal law and section 2.02 and other provisions of this Constitution:

(a) To consult, negotiate, oversee and conclude contracts, grants, treaties or other agreements on all matters with any government or any other entity, including financial agreements with federal, state, tribal or local entities.

(b) To advise the Secretary of the Interior, and other federal agencies with regard to all appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Office of Management and Budget and to Congress.

(c) To employ legal counsel.

(d) To manage and exercise responsibility over all economic affairs and enterprises of the Tribe.

(e) To levy and collect taxes, fees, duties or other assessments on all persons, property and activities under ICAS's jurisdiction.

(f) To enact ordinances and laws governing the conduct of all persons and defining offenses against ICAS or its members; to maintain order and protect the safety, health and welfare of all persons under the jurisdiction of ICAS; and to enact ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations including tribal employment rights ordinances.

(g) To charter and regulate corporations, cooperatives, associations, special districts, educational and charitable institutions, political subdivisions and any other organizations for the benefits of the membership of ICAS.

(h) To acquire or receive land and retain properties, and to prevent the sale, disposition, lease or encumbrance of Tribal lands, interests in lands, Tribal funds or other Tribal assets without the consent of the Regional Tribal Council subject to Section 2.02 if applicable.

(i) To regulate and define the duties and procedures of the Regional Tribal Council, of all council members and/or subordinate tribal committees and organizations and otherwise establish policies and procedures for tribal governmental personnel.

(j) To create committees or subordinate boards, which are open to all members of the Tribe to exercise any of the enumerated powers of the Regional Tribal Council; provided, that the exercise of such powers shall be prescribed by resolution or ordinance of the Regional Tribal Council.

(k) To accept gifts on behalf of the Tribe.

(l) To assert sovereign immunity defense to lawsuits or other claims against the Tribe.

(m) To provide for adequate bonding of the Tribal officials and employees who are responsible for the receipt, disbursement, and custody of Tribal funds as provided by federal law.

(n) To develop, manage, protect and regulate the use of water, air, fish, animals, wildlife, minerals, timber and all other natural resources under the Tribe's jurisdiction.

(o) To protect, encourage and promote subsistence culture and traditions such as arts and crafts, bartering, hunting, fishing, trapping acclamation of tribal patents and to prevent exploitation of Inupiat names, language, tools, customs, practices and other items of the Inupiat culture protected by applicable patent, intellectual property rights and preservation laws.

(p) To establish tribal courts.

(q) To regulate the encumbrance, lease, use, development, management, assignment, zoning, exchange, mortgage, purchase, acquisition, inheritance, sale, placement in trust and disposal of land and other assets owned by the Tribe, or its members under ICAS's jurisdiction.

(r) To accept any other power or duty which may now or in the future be delegated to the Tribe by the federal or any state or local government.

(s) To protect, preserve and promote the hunting, trapping, bartering, trading, gathering, and fishing rights of the members of ICAS.

(t) To take any and all actions necessary in exercising the foregoing powers and duties and all other powers and duties now or hereafter delegated to or vested in the Regional Tribal Council and to exercise any power not prohibited by federal law.

Section 6.03 Reserved Powers. Notwithstanding the above, ICAS may exercise all other inherent tribal powers not expressly listed in this Constitution. Such powers may be exercised by the qualified members of ICAS at a validly called meeting of the General Membership Council under this Constitution.

Section 6.04 Sovereign Immunity. Nothing in this Constitution constitutes a waiver of the sovereign immunity of ICAS. The sovereign immunity of ICAS may only be waived by express resolution of the Regional Tribal Council, approved by (7) affirmative votes. The resolution waiving the sovereign immunity of the Tribe must be specific and limited in duration, the grantee, the transaction, the court having jurisdiction, and the law to be applied and the property or funds of the Tribe, if any, subject to the waiver. No resolution shall be deemed a consent to the levy of any judgment, lien, or attachment upon the funds or property of the Tribe unless specifically pledged, assigned, or expressly made subject to levy in the resolution.

Section 6.05 Ordinances. All final decisions on matters of permanent interest to members of the Tribe shall be embodied in ordinances adopted pursuant to such procedures as the Regional Tribal Council shall prescribe. Such enactments shall be available for inspection by members of the Tribe during normal working hours. All ordinances shall be dated and numbered and shall include a certification showing the presence of a quorum and the numbers for and against the proposed enactment by a roll call vote of Council members. All ordinances shall be identified first by number, then by year (i.e. Ordinance 01-2000) and such other identifiers as the Council determines. Ordinances may be codified or otherwise organized for ease of reference as directed by the Regional Tribal Council.

Section 6.06 Resolutions and Motions. All final decisions on matters of short term or singular interest where formal expression is needed shall be embodied in resolutions adopted pursuant to such procedures as the Regional Tribal Council shall prescribe. Other decisions of a temporary nature or relating to particular individuals, officials or committees may be put in the form of motions and noted in the minutes of the meeting. All resolutions and motions shall be dated and numbered and shall include a certification showing the presence of a quorum and the numbers for and against the proposed enactment by a roll call vote of the Council Members. All resolutions and motions shall be available for inspection by members of the Tribe during normal working hours. All resolutions shall be identified first by the year, then by the numbers, (i.e. Res. 2000-01) and such other identifiers as the Council determines.

ARTICLE VII
General Membership.

Section 7.01 General Membership. The General Membership shall be the supreme governing body comprised of enrolled members of ICAS who are at least eighteen (18) years of age. The following powers are specifically reserved to the qualified voters of ICAS acting through a general tribal membership meeting or a properly called election:

(a) initiative by submitting to the Regional Tribal Council a petition under the procedures described in this section.

(b) referendum of a decision of the Regional Tribal Council, by a vote of the Regional Tribal Council, setting forth any proposed or previously enacted ordinance or resolution of the Regional Tribal Council for reconsideration by the General Council.

(c) recall by submitting a petition to the Regional Tribal Council for conducting a recall under procedures described in this section.

(d) vote on the amendment, modification or repeal of this Constitution under the terms of Article XI.

Section 7.02 General Membership Council Meetings. The meeting of the General Council shall be held at least once each year for the purpose of an annual election. Public notice of such meeting shall be given not less than ten (10) days nor more than sixty (60) days in advance of such meeting date. No specific percentage of the current enrolled membership shall be necessary to constitute a quorum for the conduct of business at such meeting of the General Council. The Regional Tribal Council shall report on their actions and accomplishments of the past year and review the plans for the upcoming year at the General Council meeting. Special meetings of the General Council can be called by the President of the Regional Tribal Council or upon petition as provided for other matters under Section 5.02 and as may further be defined by ordinance.

Section 7.03 Procedures for Initiative, Referendum, Recall and General Council Powers. Procedures for conducting initiatives, referenda, recall, and for exercising powers of the General Council shall be specified by an ordinance provided that at least (25) twenty-five percent of voting membership have signed such a petition and the total signatures are comprised of (10) ten signatures from the villages of Anaktuvuk Pass, Atqasuk, Kaktovik, Nuiqsut, Point Hope, Point Lay, and Wainwright and (25) twenty-five signatures are from the village of Barrow.

ARTICLE VIII
Judiciary

Section 8.01 Tribal Courts. The Tribal Courts shall consist of one (1) Chief Judge and such Associate Judges and staff as designated by ordinance. The Tribal Courts are empowered to exercise all judicial authority of the Tribe. Said authority shall include, but not be limited to, enforcement of this Constitution or of the Federal Indian Civil Rights Act of 1968, and enforcement of the Indian Child Welfare Act of 1978. The Regional Tribal Council may enact ordinances to establish courts of general, limited and appellate jurisdiction where a village Tribal Court exists, the Inupiat Community of the Arctic Slope may act as the Appellant Court.

ARTICLE IX
Savings Clause

All enactments of the Tribe adopted before the effective date of this Constitution shall remain in full force and affect to the extent they are consistent with this Constitution.

ARTICLE X
Severability

The provisions of this Constitution are severable and should any provision of this Constitution be determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full effect.

ARTICLE XI
Amendments to the Constitution

Amendments to this Constitution shall be proposed by the Regional Tribal Council and shall become effective when approved by the Secretary of the Interior and ratified by the ICAS membership in the same manner as was this Constitution.

ARTICLE XII
Adoption by Secretarial Election

This Constitution shall become effective when it is adopted by the voters of ICAS in an election authorized for that purpose by the Secretary of the Interior in which at least thirty (30) percent of those registered to vote in accordance with secretarial regulations shall vote, shall be submitted to the Secretary of the Interior for his approval, and, if approved by the Secretary or by operation of law, shall be effective from the date of such approval.

ARTICLE XIII
Certificate of Adoption

Pursuant to Secretarial election authorized by the Deputy Commissioner of Indian Affairs on October 2007, the attached Revised Constitution of the Inupiat Community of the Arctic Slope, IRA was submitted to the qualified voters of the Tribe. This Revised Constitution was duly adopted in an election in which at least thirty (30) percent of the members of the Tribe entitled to vote cast their ballots by a vote of 305 for and 219 against, and 0 cast ballots found spoiled or mutilated in accordance with Section 16 of the Indian Reorganization Act of June 18 1934 (48 Stat. 948), as amended, and the Act of May 11936 (49 Stat. 1250), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

CERTFICATE OF APPROVAL, Niles Cesar, Regional Director, Alaska Region by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me do hereby approve the Constitution of the Inupiat Community of the Arctic Slope, IRA. This constitution is effective as of this date, PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Niles Cesar, Regional Director

Date: 10 September 2008